

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

SKYCAM, LLC, a Delaware limited liability company,

Plaintiff,

v.

PATRICK J. BENNETT, an individual, and  
ACTIONCAM, LLC, an Oklahoma Limited  
Liability Company,

Defendants.

Case No. 09-CV-294-GKF-FHM

**DEFENDANT BENNETT’S MOTION TO RECALL AND TO QUASH  
PLAINTIFF SKYCAM’S MOTION TO APPEAR AND INJUNCTION**

Defendant Patrick J. Bennett (“Bennett”), hereby respectfully moves the Court to quash the ORDER TO APPEAR AND ANSWER AS TO ASSETS AND INJUNCTION FORBIDDING DEFENDANT, PATRICK J. BENNETT, FROM ALIENATING, CONCEALING, ENCUMBERING, OR OTHERWISE DISPOSING OF PROPERTY (“Order”) and a hearing be scheduled to require Plaintiff Skycam (“Skycam”) to provide evidence in support of their motion, and to allow Bennett to answer these claims based on evidence provided by Skycam. In support of this motion, Bennett states as follows:

1. On June 18, 2018, Skycam filed its motion for Order Requiring Judgment Debtor to Appear and Answer Concerning Property and Assets (Doc. 509).

2. On June 19, 2018, the Order to Appear and Answer as to Assets and Injunction Forbidding Defendant, Patrick J. Bennett, from Alienating, Concealing, Encumbering, or otherwise Disposing of Property was issued by the Clerk of the Court (Doc. 510).

3. In Skycam’s motion they allege that Bennett has not fully disclosed his business dealings, referring to Bennett’s company Supracam, LLC (“Supracam”), and consequently

Skycam has not been provided a complete and accurate accounting of Bennett's assets and property. In an attempt to support this claim, Skycam refers to information reported in a separate (now dismissed) court case involving Bennett and This Side Up Productions, also known as Flycam. However, Skycam does not identify, describe or detail any specific information or in any other way substantiate their allegation. No evidence, other than a simple reference to another case, has been provided in support of their claim.

4. Contrary to Skycam's allegations, Bennett has attended multiple asset hearings, without failure, over the last four years, answering all questions completely and honestly, and has provided supporting documentation fully disclosing all personal assets and business dealings.

5. During the last asset hearing, on December 20, 2017, Skycam asked Bennett to provide a list of jobs (business dealings) Supracam performed in 2017, along with revenue and profit financials for each job. Bennett complied with this request by sending an email, that same day, to Skycam's attorneys (**Exhibit A**) detailing all jobs performed by Supracam in 2017 and with information on jobs already booked for 2018. This emailed list of jobs was, and continues to be, an accurate and fully disclosed list of Bennett's business dealings as of that date.

6. In the same email described above, Bennett offered to provide additional documents upon request. Skycam's attorneys did not respond.

7. Bennett has, at each and every asset hearing over four years, fully disclosed his business dealings and no evidence to the contrary has been provided by Skycam and no evidence exists to substantiate their claim.

8. Skycam, in their motion, further claims "there is a danger that Defendant will attempt to transfer, encumber, alienate, and/or conceal property in an attempt to place it beyond the reach of Skycam".

9. For over a decade that this case has been transpiring, and for over four years since the judgement was entered, through every asset hearing, Bennett has consistently shown that he has not transferred, encumbered, alienated or concealed any significant property or assets. In fact, Bennett has gone out of his way to ensure that Skycam has a full understanding of his personal and business assets, and how they relate to his ability to satisfy the judgement. Bennett has no plans to transfer, encumber, alienate or conceal any property or assets and Skycam has provided no evidence to the contrary. Skycam's allegation that there is a "danger" is not supported by history, intention or, most importantly, evidence.

10. Skycam and Supracam are direct competitors in the small, yet highly competitive, cable camera business. Both have submitted competing proposals for the same jobs, most recently the 2018 NFL Draft (which was awarded to Skycam, but Supracam ended up performing due to Skycam's inability to fulfill the job requirements) and NBA Summer League which was also awarded to Skycam.

11. Bennett believes Skycam has made these unsubstantiated allegations in an attempt to abuse the asset hearing process in order to gain a competitive advantage. This competitive advantage comes from Skycam requiring Bennett to disclose business details that are of specious value in ascertaining Bennett's assets, yet have exceptional value in gaining insight into a competitors operating costs, contractor rates, profit margins, bidding plans and bid amounts.

12. Additionally, Skycam's motion for an injunction on Bennett's ability to transfer assets could significantly impair Supracam's business operations, including purchase of equipment needed to perform a job or the ability to attract additional investment requiring a dilution of member's ownership shares, again providing a significant and unfair competitive advantage to Skycam.

13. Bennett's only recourse to Skycam's actions is to move the court to intervene and 1) require Skycam provide evidence in support of their claims and allow Bennett to answer these claims based on the evidence; and 2) to define the specific documents, reasonably limited to ensure fair competition, that Bennett is required to provide in order for Skycam to accurately assess Bennett's property and assets but protect Supracam's ability to fairly compete in the marketplace. Bennett intends to file a motion requesting these document production definitions in the next several days.

WHEREFORE, Bennett requests the court to enter and order:

(a) The Order to Appear and Answer as to Assets and Injunction Forbidding Defendant, Patrick J. Bennett, from Alienating, Concealing, Encumbering, or otherwise Disposing of Property dated June 19, 2018 be quashed and set aside; and

(b) A hearing be scheduled to require Skycam to present evidence in support of their claim and to allow Bennett to answer these claims based on the evidence.; and

(c) Require all exhibits be exchanged between parties no later than ten (10) days prior to the hearing date.; and

(d) Granting such other and further relief as is just and proper.

Respectfully submitted,

/s/Patrick J. Bennett  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 29, 2014, a true and correct copy of the foregoing document has been electronically transmitted to the Clerk of Court using the ECF System for filing and transmittal to all parties who have entered their appearances in this case on said system. Service is being made on all parties through the Court's ECF system.

/s/Patrick J. Bennett  
Patrick J. Bennett